

1 Attorneys for Plaintiff
2 **Legato Systems, Inc.**
3 **(now EMC Corp.)**

4 and

5 Attorneys for Defendant
6 **Network Specialists, Inc.**
7 **(now NSI Software, Inc.)**

8 are listed on the signature page

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN JOSE DIVISION

12 LEGATO SYSTEMS, INC.
13 (now EMC Corp),

14 Plaintiff/Counterclaim Defendant,

15 v.

16 NETWORK SPECIALISTS, INC.
17 (now NSI Software, Inc.),

18 Defendant/Counterclaim Plaintiff.

CASE NO. C03-02286 JW (HRL)

**STIPULATION FOR DISMISSAL OF
ACTION WITH PREJUDICE PURSUANT TO
FED. R. CIV. P. 41; ~~PROPOSED~~ ORDER**

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STIPULATION FOR DISMISSAL OF ACTION
WITH PREJUDICE; [PROPOSED] ORDER

CASE NO. C03-02286 JW (HRL)

1 **STIPULATION**

2 Pursuant to Fed.R.Civ. P. 41, Plaintiff and Counterclaim Defendant Legato Systems, Inc.
3 (now EMC Corp.) and Defendant and Counterclaim Plaintiff Network Specialists, Inc. (now NSI
4 Software, Inc.), through their respective counsel of record, hereby stipulate as follows:

5 1. This action and all claims and counterclaims asserted therein are dismissed with
6 prejudice;

7 2. Each party shall bear its own costs and attorney's fees; and

8 3. This Stipulation shall be made an Order of the Court.

9 Dated: January 9, 2006

Dated: January 9, 2006

10 CLIFFORD CHANCE US LLP

McDERMOTT WILL & EMERY LLP

11 By: 

11 By: 

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Attorneys for Defendant
Network Specialists, Inc.
(now NSI Software, Inc.)

Attorneys for Plaintiff
Legato Systems, Inc.
(now EMC Corp.)

~~PROPOSED~~ ORDER

PURSUANT TO STIPULATION, IT IS HEREBY ORDERED that this action and all claims and counterclaims asserted therein are dismissed with prejudice. Each party shall bear its own costs and attorneys' fees.

Date: January 11, 2006

/s/ James Ware

The Honorable James Ware
United States District Judge

MPK 102092-1.064318.0020

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